

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR347
)	
vs.)	ORDER
)	
FRUTO DE JESUS MADRID-CRUZ,)	
)	
Defendant.)	

This matter is before the court on the motion for a continuance of the trial by defendant Fruto De Jesus Madrid-Cruz (Madrid-Cruz) (Filing No. 19). Madrid-Cruz seeks a continuance of trial until after December 5, 2005. Madrid-Cruz's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted to the extent set forth below.

IT IS ORDERED:

1. Madrid-Cruz's motion for a continuance of trial (Filing No. 19) is granted as set forth below.

2. Trial of this matter is rescheduled for **December 5, 2005**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 31, 2005 and December 5, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 31st day of October, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge